

SM EXHIBIT DL

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case 1:10-cv-06005-RWS

5 - - - - -x
6 ADRIAN SCHOOLCRAFT,

7 Plaintiff,

8 -against-

9 THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220,
10 Individually and in his Official
Capacity, ASSISTANT CHIEF Patrol
11 Borough Brooklyn NORTH GERALD NELSON,
Tax Id. 912370, Individually and in his
12 official Capacity, DEPUTY INSPECTOR
STEVEN MAURIELLO, Tax Id. 895117,
13 individually and in his Official
Capacity, CAPTAIN THEODORE LAUTERBORN,
14 Tax Id. 897840, Individually and in his
Official Capacity, LIEUTENANT WILLIAM
15 GOUGH, Tax Id. 919124, Individually and
in his Official Capacity, SGT.
16 FREDERICK SAWYER, Shield No. 2576,
Individually and in his Official
17 Capacity, SERGEANT KURT DUNCAN, Shield
No. 2483, Individually and in his
18 Official Capacity, LIEUTENANT
CHRISTOPHER BROSCART, Tax Id. 915354,
19 Individually and in his Official
Capacity, LIEUTENANT TIMOTHY CAUGHEY,
20 Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL
21 JAMES, Shield No. 3004, Individually
and in her Official Capacity,
22 LIEUTENANT THOMAS HANLEY, Tax Id.
879761, Individually and in his
23 Official Capacity, CAPTAIN TIMOTHY
TRAINER, Tax Id. 899922, Individually
24 and in his Official Capacity,
25 (Caption continued on following page.)

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2 CAPTION: (continued)
3 SERGEANT SONDRRA WILSON, Shield No.
4 5172, Individually and in her Official
5 Capacity, SERGEANT ROBERT W. O'HARE,
6 Tax Id. 916960, Individually and in his
7 Official Capacity, SERGEANT RICHARD
8 WALE, Shield No. 3099 and P.O.'s "JOE
9 DOE" # 1-50, Individually and in their
10 Official Capacity (the name John Doe
11 being fictitious, as the true names are
12 presently unknown), (collectively
13 referred to as "NYPD defendants"), FDNY
14 LIEUTENANT ELISE HANLON, individually
15 and in her Official Capacity as a
lieutenant with the New York City Fire
Department, JAMAICA HOSPITAL MEDICAL
CENTER, DR. ISAK ISAKOV, Individually
and in his Official Capacity, DR.
LILIAN ALDANA-BERNIER, Individually and
in her Official Capacity and JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEE'S
"JOHN DOE" # 1-50, Individually and in
their Official Capacity (the name John
Doe being fictitious, as the true names
are presently unknown),

Defendants.

16 - - - - - x
17 111 Broadway
18 New York, New York
October 8, 2013
10:17 a.m.

19 DEPOSITION of MICHAEL MARINO, held
20 at the above time and place, taken
21 before Al-Furquan Baker, a Shorthand
22 Reporter and Notary Public of the State
23 of New York, pursuant to the Federal
24 Rules of Civil Procedure, Order and
25 stipulations between Counsel.

1 M. Marino

2 paid.

3 Q. Do you have any understanding
4 about who would be responsible for any
5 awards against you in this case?

6 A. I have no idea.

7 Q. So you don't have any
8 agreements with any other parties in
9 this lawsuit about that?

10 MS. PUBLICKER METTHAM:

11 Objection.

12 You can answer.

13 A. No, nobody has ever talked to
14 me about that.

15 Q. Am I correct that individuals
16 were outside of Adrian Schoolcraft's
17 residence for about two and-a-half
18 hours before you ordered the entry into
19 his apartment?

20 MS. PUBLICKER METTHAM:

21 Objection.

22 You can answer.

23 A. I believe it was about two
24 hours, correct.

25 Q. When you met Lauterborn and

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M. Marino

the investigators in the parking lot at
the 81st, you asked them about whether
there was a 28.

Do you remember that?

MS. PUBLICKER METTHAM:

Objection.

You can answer.

A. No, I don't.

Q. Can you tell me what a 28 is?

A. A 28 is a form that we fill
out a request for leave.

Q. Is that a lost time request?

A. It is typically used for
vacation, but it can be used in
increments of hours for lost time,
that's correct.

Q. Did anybody ever tell you
that Officer Schoolcraft was told he
could leave based on lost time?

A. That was never mentioned. It
was never brought up.

Q. Do you know what Officer
Schoolcraft's current status is with
the police department?

1 M. Marino

2 A. You know, I have no idea what
3 his current status is.

4 Q. When was the last time you
5 had any discussions with anybody other
6 than your counsel about his current
7 status?

8 A. It was a long time ago when
9 they were going to serve him papers
10 upstate where his father lived. It was
11 a long time ago. I was still in
12 Brooklyn North.

13 Q. Who did you have those
14 discussions with?

15 A. I think somebody from the
16 investigation, somebody that was going
17 to go serve him papers.

18 Q. Do you remember who that was?

19 A. It could have been Captain
20 Trainor who was a commanding officer.

21 Q. While you were in the
22 apartment or near the apartment, did
23 you hear anybody say something to the
24 effect of he's off the building or he's
25 off the roof?